

Remarks

This response is in response to the Restriction Requirement dated June 20, 2007.

Claims 1 through 37 are pending.

Claims 1 through 12 and 15 through 27 have been withdrawn.

Withdrawal of the claims should not prejudice any future proceedings with regard to the non-elected claims. Further Applicant submits that claims 11 and 1 should be joined with claims 13 and 14 as noted below

Election/Restrictions

Restriction of the following inventions is required under 35 U.S.C. § 121

- I. Claims 1 through 12, drawn to a method for preparing an evolved microorganism;
- II. Claims 13 through 14, drawn to a method for preparing an evolved protein;
- III. Claim 15, drawn to an evolved gene;
- IV. Claims 16 through 34, drawn to an evolved protein;
- V. Claims 35 through 37, drawn to a method of biotransformation.

Applicant hereby elects Group II, claims 13 and 14 for further examination with traverse.

Applicant considers that claims 11 and 1 should be included within Group II. Claims 13 and 14 depend directly or indirectly from claims 11 and 1. Therefore, to give meaning and substance to claims 13 and 14, the subject matter of claims 11 and 1 should be considered concurrently with claims 13 and 14. Applicant respectfully submits that claims 11 and 1 be joined with Group II.

In view of the pending restriction, claims 1 through 12 and 15 through 37 have been withdrawn. This is noted for completeness in response to the outstanding restriction

requirement. However, as noted above, Applicant considers that claims 11 and 1 should be joined with Group II.

Claims 1 through 12 and 15 through 37 will serve as the basis for one or more divisional applications. Applicant reserves all rights to pursue these claims in one or more applications.

Reconsideration and withdrawal of the restriction requirement is therefore respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested. If the restriction requirement requires additional exploration, the Examiner is invited to contact Applicant's representative at the number provided below.

No fee is believed necessary. However, if payment is needed the Commissioner is hereby authorized to charge our Deposit Account No. 04-1420 and notify us of the same.

Respectfully submitted,

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